IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5090 OF 2007

Grampanchayat Kodoli .. Petitioner
Versus
Hanumant Krishna Guram & Ors. .. Respondents

Mr.S.P.Kadam for petiioner
Mr.S.S.Mogre for respondent Nos. 1(I) to 1(III)
Ms.P.S.Cardozo, A.G.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th November 2007

P.C.

. All persuasive efforts of Mr.Kadam are in vein. He could not satisfy me that a case is made out to interfere with the order passed by the Court below, refusing to condone delay of nine years in preferring an application for setting aside the Ex-parte order of dismissal of Appeal. From the records, it is apparent that

the petitioner Panchayat did not comply with the earlier order. This appeal was pending since 1987 and was dismissed in default on 13th January 1995. Even thereafter, the conduct of panchayat is such as would not enable the lower appellate court to condone the delay of nine years. Learned Additional Dist.Judge was therefore right in rejecting the application by the impugned order.

2. I do not see any reason to interfere with such an order. More so, when the discretion is not demonstrated to have been exercised capriciously or arbitrarily so as to warrant any interference. The order does not suffer from any error apparent or perversity either. Petition is, therefore, summarily dismissed.

(S.C.Dharmadhikari, J)